

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DIDERICO LOPEZ GONZALEZ,	§	
	§	
Petitioner-Defendant,	§	
	§	
v.	§	CIVIL ACTION NO. H-13-1059
	§	(Criminal No. H-11-828)
	§	
THE UNITED STATES OF AMERICA,	§	
	§	
Respondent-Plaintiff.	§	

**MEMORANDUM OPINION AND ORDER**

Petitioner, Diderico Lopez Gonzalez, has filed a Motion Pursuant § 5K3.1 "Fast Track Law" or Early Disposition Relief U.S.S.G. 2L1.2 Motion Pursuant to § 2255, to vacate set aside or correct sentence to a federal inmate (pro se) (Docket Entry No. 1 in C.A. No. H-13-1059; Docket Entry No. 41 in Crim. No. H-11-828). Pending before the court is the United States' Motion to Dismiss § 2255 Motion (Docket Entry No. 45 in Crim. No. H-11-828).

Gonzalez argues that the court erred in not reducing his advisory sentencing guideline range because he was eligible for the "Fast Track" program and in increasing his base offense level by 16 levels because of his prior drug trafficking conviction. Gonzalez's arguments that the court misapplied the sentencing guidelines are not cognizable in a § 2255 action. United States v. Williamson, 183 F.3d 458, 462 (5th Cir. 1999).

Because neither of the grounds for relief asserted by Gonzalez is cognizable in a § 2255 action, the United States' Motion to Dismiss § 2255 Motion (Docket Entry No. 45 in Crim. No. H-11-828) is **GRANTED**.

**SIGNED** at Houston, Texas, on this the 1st day of July, 2013.

A handwritten signature in black ink, appearing to read "Sim Lake", is written over a horizontal line.

SIM LAKE  
UNITED STATES DISTRICT JUDGE